



2671

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
YASUKI NAKAJIMA ) : Examiner: R. Kang  
Application No.: 10/047,812 ) : Group Art Unit: 2671  
Filed: January 14, 2002 ) :  
For: IMAGE PROCESSING )  
APPARATUS AND METHOD :  
FOR PROCESSING DATA )  
FOR IMAGE PROCESSING :  
APPARATUS ) October 18, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT  
WITH TRAVERSE

Sir:

In response to the restriction requirement set forth in the Office Action dated September 20, 2005, Applicant provisionally elects Group I, namely, Claims 1 to 27. This election is made with traverse.

An application may be properly required to be restricted to one of two or more claimed inventions only if the inventions are able to support separate patents and they are either independent or distinct. MPEP § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP § 803.

"The term 'distinct' means that two or more subjects as disclosed are related, for example, as combination and part (sub-combination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed and are patentable (novel and unobvious) over each other (though they may each be unpatentable because of the prior art)." MPEP § 802.01. In this regard, Applicant respectfully submits that the claims of Groups I and II are all generally directed to the field of art concerning management of printer settings made by a user. Accordingly, two-way distinctness is not seen to be present among the claims of Groups I and II. MPEP § 806.05(c).

Even if Groups I and II are considered to be independent or distinct inventions, which Applicant does not admit to be the case, the search and examination of all pending claims of Groups I and II can be made without serious burden, and therefore restriction is believed to be improper. MPEP § 803. Specifically, the claims of Groups I and II are all directed to the field of art concerning layered image data processing. Accordingly, Applicant respectfully submits that concurrent search and examination of all claims of Groups I and II can be made without serious burden.

Based on the foregoing remarks, Applicant respectfully submits that the restriction requirement is improper and therefore request reconsideration and withdrawal of the restriction requirement, and the concurrent examination of all currently-pending claims of Groups I and II.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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